

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
 Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: (212) 512-8500

MOTION INFORMATION STATEMENT

Caption (use short title)

Docket Number(s): 09-3317-cv (L); 09-3353-cv (XAP)

Scott, et al.,

Motion for: Stay of Appeal and Remand for Review of Settlement Proposal

Plaintiffs/Appellants

v.

City of New York, et al.,

Defendants/Cross-Appellants

Set forth below precise, complete statement of relief sought:

Plaintiffs/Appellants request that this Court stay appellate proceedings, and remand

to the District Court jurisdiction to consider the fairness to individual plaintiffs

of a settlement proposal on which the parties' attorneys have agreed. Defendants/

Cross-Appellants do not oppose this relief.

MOVING PARTY: Scott, et al.

- ☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Gary A. Orsack

[name of attorney, with firm, address, phone number and e-mail]

Rosen, Russell, Englert, Orsack, Untereiner & Sauber LLP

1801 F Street, N.W., Suite 411

Washington, D.C. 20006

(202) 775-4500

OPPOSING PARTY: Unopposed; City of New York is Appellee in the case

OPPOSING ATTORNEY [Name]: Deborah Brenner

[name of attorney, with firm, address, phone number and e-mail]

New York City Law Department

100 Church Street, Room 2-172

New York, NY 10007

(212) 788-0681

Court Judge/Agency appealed from: United States District Court for the Southern District of New York (Scheindlin, J.)

Please check appropriate boxes:

Has consent of opposing counsel:

- A. been sought? ☒ Yes ☐ No
 B. been obtained? ☒ Yes ☐ No

Is oral argument requested?

- ☐ Yes ☒ No
 (request for oral argument will not necessarily be granted)

Has argument date of appeal been set?

- ☐ Yes ☒ No
 If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAY AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☒ No

Has this relief been previously sought in this Court?

- ☐ Yes ☒ No

Requested return date and explanation of emergency:

Signature of Moving Attorney:

Date: 10-7-09

Has service been effected?

- ☒ Yes ☐ No
 [Attach proof of service]

AMENDED ORDER

Before: Robert A. Katzmann, Circuit Judge


IT IS HEREBY ORDERED that the Appellant's motion to stay Appellate proceedings and for limited remand to the district court for review of the settlement proposal is GRANTED. Within 14 days of the conclusion of the fairness hearing, the Appellants must submit notice to the court if they would like the appeal reactivated.

10.28.09

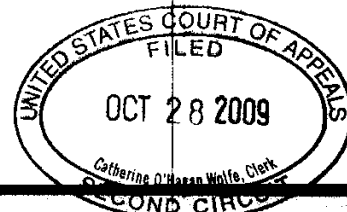
Date

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

by 

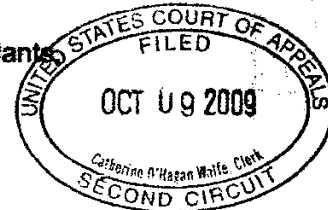
Judy Pisanant, Motions Staff Attorney



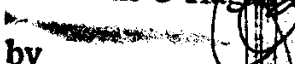
CERTIFIED:

OCT 28 2009

ORIGINAL



USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DATE FILED OCT 29 2009

A TRUE COPY
 Catherine O'Hagan Wolfe, Clerk
 by 

DEPUTY CLERK